Remarks

By the above amendment, claims 1, 2, 3, 5, and 6 have been amended and claim 4 has been canceled. The amendment has been made to remove all glycosyl derivatives of formula (I) from the claims.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Applicants explicitly reserve the right to pursue prosecution of the canceled subject matter in one or more continuation or divisional applications. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Regarding claim 6, while the Examiner has indicated he would enter the amendment that previously submitted in the response of September 1, 2009, it appears that he has not done. Therefore, Applicants reiterate the amendment of claim 6 to ensure its entry.

Telephonic Interview

Applicants thank the Examiner for several telephone conversations on December 3 and 4 of 2008 with Applicants' representative, Arnold Turk.

During the telephone conversations, Applicants' representative stated that the Amendment under 37 C.F.R. § 1.116 filed September 2, 2008 should be entered. The

amendment to the claims were made to render claim 6 into proper form to overcome a 35 U.S.C. § 112 rejection and therefore would not raise any new issue that would prevent entry. In the ensuing Advisory Action of October 9, 2008, the Examiner informed Applicants that the amendment would not be entered, but did not set forth any reason as to why the amendment would not be entered. After discussing these issues with the Examiner on December 3 and 4, the Examiner agreed that the amendment should be entered and stated that a new Advisory Action would issue shortly.

RESPONSE TO THE OFFICE ACTION OF JULY 1, 2008

Claim Rejections under 35 U.S.C. § 112

The Office Action rejects claim 6 under 35 U.S.C. § 112 as allegedly being indefinite for failing to comply with the definiteness requirement. In particular, the Action asserts that the phrase "to the composition" is unclear.

In response, Applicants submit the amendment as submitted on September 1, 2008, which the Examiner agreed to enter, render claim 6 more definite. In view of the amendment of September 1, 2008, Applicants respectfully request withdrawal of the rejection.

Art-Based Claim Rejections (35 U.S.C. §§ 102(b) and 103(a))

The Action rejects claims 1-3, 5, and 8 under 35 U.S.C. § 102(b) as allegedly being anticipated by Trumbo et al. (Journal of Nutrition (1988), 118 (2), pp. 170-175). The Office Action asserts that Trumbo et al. anticipates claims 1-3 and 5 by allegedly disclosing a compound that falls within the scope of these claims. As for claim 8, the

Office Action asserts that although Trumbo et al. does not disclose cosmetics, a composition also anticipates the intended use of such composition.

The Office Action raises the following 35 U.S.C. § 103(a) rejections:

(a) Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogata et al. (The Journal of Vitaminology, 15, pp. 160-166 (1969)) in view of Trumbo et al.;

(b) Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Trumbo et al.; and

(c) Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2002-265316 in combination with Trumbo et al.

By the foregoing amendment, Applicants respectfully submit that Trumbo et al. fails to anticipate claims 1-3, 5, and 8, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b). Furthermore, Applicants respectfully request withdrawal of obviousness rejection (a) in view of canceled claim 4. Furthermore, Applicants submit that neither Trumbo et al. by itself, nor in combination with JP 2002-265316, render any of claims 7, 9, or 10 obvious, because none of the compounds disclosed in Trumbo et al. or JP 2002-265316 fall within the scope of the presently claimed formula (I). Furthermore, Applicants submit that Trumbo et al., JP 2002-265316, or the combination of the two documents, do not present any reason how or why one of ordinary skill in the art would make the presently claimed invention. In the absence of such reason, there can be no basis for an obviousness rejection. Accordingly, Applicants respectfully request withdrawal of obviousness rejections (b) and (c).

CONCLUSION

Applicants submit that Trumbo et al. or any Chemical Abstracts cited by the Examiner fails to anticipate or render obvious any compound that falls within the scope of the present claims. Applicants also maintain that the Chemical Abstract relied upon by the Office fails to put the public in possession of Applicants' claimed compounds. Withdrawal of all art-based rejections is respectfully requested.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Keiji SAKAMOTO et al.

Bruce H. Bernstein
Reg. No. 29,027 42,920

December 23, 2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191